

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.N.J., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAUL JOHNSON,

Respondent-Appellant,

and

STEPHANIE MICHELE JUAREZ,

Respondent.

In the Matter of A.N.J., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEPHANIE JUAREZ,

Respondent-Appellant,

and

PAUL ANTHONY JOHNSON,

Respondent.

UNPUBLISHED
November 8, 2002

No. 236839
Macomb Circuit Court
Family Division
LC No. 99-047730-NA

No. 237048
Macomb Circuit Court
Family Division
LC No. 99-047730-NA

Before: Griffin, P.J., and Gage and Meter, JJ.

PER CURIAM.

In Docket Number 236839, respondent-appellant Paul Johnson appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (j), and (n)(i). In Docket Number 237048, respondent-appellant Stephanie Juarez appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). These appeals have been consolidated by order of this Court. We affirm.

The child was one and a half years old at the time she was removed from respondents' home after her father, respondent Johnson, was charged with two counts of first-degree criminal sexual conduct involving an unrelated child. Petitioner subsequently filed a neglect petition, alleging neglect, an unsafe and unfit home environment, and failure to protect the child. The trial court thereafter adopted petitioner's parent/agency agreements, which required in part that respondents maintain a suitable home environment, attend all weekly supervised visitation, submit to psychological evaluations, participate in counseling related to the removal of the child from the home and the effects of sexual abuse, and attend parenting classes and integrate what had been learned in those classes.

At a subsequent hearing, the court determined that respondents had not made progress toward having the child returned and ordered petitioner to initiate proceedings to terminate respondents' parental rights. At the conclusion of trial, the court concluded that the statutory grounds for termination had been established by clear and convincing evidence and that termination was not contrary to the child's best interests.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondents-appellants' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent Johnson pleaded guilty to two counts of fourth-degree criminal sexual conduct, but denied that he was guilty of the charges during his court-ordered therapy and at the termination trial. Beyond failing to address his sexual abuse issues, respondent Johnson failed to improve his parenting skills during the two years the child was in foster care. Further, the record shows respondent Johnson lacked empathy for the child. Both respondents failed to obtain proper medical and dental care for the child. Respondent Juarez initially allowed respondent Johnson to move back into the home after he was charged with criminal sexual conduct involving another young child and waived with regard to whether she believed the charges were true. Respondent Juarez was also unable to indicate how she would protect the child in the event the child was molested. Further, the evidence demonstrated that there was no reasonable expectation that respondent Juarez could provide proper care and custody for the child within a reasonable time. Based on this evidence, we find the trial court did not err in terminating respondents' parental rights to the child.

Respondent Johnson asserts that he has a constitutional right to parent his child. He correctly notes that a parent's right to custody of his or her children is an element of the liberty guarantee of the Fifth and Fourteenth Amendments to the United States Constitution. *In the*

Matter of LaFlure, 48 Mich App 377, 385; 210 NW2d 482 (1973). However, that liberty interest is lost once parental rights are terminated upon proper proof and appropriate procedures. *LaFlure, supra*. Therefore, no constitutional error occurred.

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter